

Statement of interpretation on Article 2

Article 2 of the Charter covers matters (hours of work, rest, holidays, etc.) which were among the original concerns of the labour movement and among the early standards established by international labour law. In this Article the Contracting Parties who have accepted it undertake to ensure the effective exercise of the right to just conditions of work by applying five groups of measures providing for reasonable working hours, for paid public holidays as part of the conditions of employment, for at least two weeks' annual holiday with pay, for additional paid holidays or reduced working hours for workers engaged in dangerous or unhealthy occupations and for the establishment of a weekly rest day. These five points are laid down in the five paragraphs which constitute Article 2. The first paragraph calls for a dynamic interpretation since it stipulates a progressive reduction in the daily and weekly working hours.

A study of the first reports submitted by the governments concerned, in accordance with Article 21, satisfied the Committee that, on the whole, the Contracting States comply with Article 2. The Committee found nonetheless that the standards laid down in Article 2 appear to have been achieved in very varying degrees in different branches of industry and different sectors of the economy; this may be explained by variations in the extent to which the trade unions have extended their influence. In the same connection, but on a different level, it should be noted that, of the five States with whose reports these "Conclusions" are concerned, only two have accepted Article 2 in its entirety.

The Committee also noted that on a rather large number of points, notably in the matter of annual holidays (Article 2-3), the first reports submitted by governments gave inadequate information, so that it was not always in a position to say definitely whether or not a Contracting State was in fact fulfilling the undertakings deriving from one or other of the five paragraphs of Article 2.

The uncertainty created by this lack of precise information was also one of the reasons why the Committee concentrated its attention on the most important problems when studying the first governmental reports. This does not mean, however, that the questions passed over on this occasion may not be taken up again when subsequent reports are considered. Where Article 2 is concerned, one of these questions will no doubt be whether or not annual holiday may be interrupted by a period of sick leave.

As for Paragraph 1 the meaning of the term "reasonable" confronted the Committee with a problem of interpretation; the question will be dealt with in greater detail hereunder.